

EXHIBIT A

[DRAFT] INJUNCTIVE RELIEF ORDER

I. SCOPE

- A. This Order applies to the CVS, Walgreens and Walmart pharmacies operating in Lake and Trumbull Counties, Ohio that are identified on Exhibit 1 (“Track 3 Pharmacies”) and to certain prescriptions that are filled by those Track 3 Pharmacies. “Track 3 Pharmacy” shall refer individually to a singular one of the Track 3 Pharmacies.

II. DEFINITIONS

- A. “Benzodiazepine” shall mean (a) alprazolam; (b) clonazepam; (c) diazepam; (d) lorazepam; (e) temazepam; and (f) triazolam.
- B. “Designated Controlled Substances” shall mean (a) oxycodone; (b) hydrocodone; (c) hydromorphone; (d) oxymorphone; (e) morphine; and (f) fentanyl.
- C. “Patient” means the individual for whom a prescription was written by a Provider for a Designated Controlled Substance and presents it to one of the Track 3 Pharmacies.
- D. “Prescriber” means the individual who has written a prescription for a Designated Controlled Substance that is presented to one of the Track 3 Pharmacies.

III. COURT-REQUIRED FLAGS

- A. **Court-Required Flags:** Each Track 3 Pharmacy shall have a policy that identifies the following Court-Required Flags (referred to in this Order for the sake of convenience as “Policy”).
1. **Trinity:** A Patient simultaneously presents prescriptions at the Track 3 Pharmacy for the combination of a Designated Controlled substance, a Benzodiazepine and carisoprodol (a muscle relaxant also known under the brand name Soma®).
 2. **Patient Distance:** The Patient resides more than 50 miles from the Track 3 Pharmacy where the Designated Controlled Substance prescription is presented.
 3. **Prescriber Distance:** The Prescriber does not have an office within 50 miles from the Track 3 Pharmacy where the Designated Controlled Substance prescription is presented.
 4. **Early Fill:** The Patient seeks to fill a Designated Controlled substance prescription at the Track 3 Pharmacy more than five (5) days prior to the contemplated exhaustion date of an earlier prescription for the same Designated Controlled Substance (e.g., exhaustion of the days’ supply

assuming the prescription has been taken in accordance with the prescribers' directions on the face of the prescription).

B. Resolution and Documentation of Court-Required Flags:

The Policy shall provide that if the prescription is to be filled the dispensing pharmacist must (a) resolve any Court-Required Flags before filling the prescription and (b) document the resolution of any Court-Required Flags. This Order does not prohibit the dispensing of prescriptions that raise Court-Required Flags.

1. **Resolution of Court-Required Flags:** The Policy shall provide that any Court-Required Flags will be considered "resolved" if, after investigation and given other facts and circumstances surrounding the prescription, the pharmacist determines, in his or her professional judgment, that the facts that triggered the Court-Required Flag do not lead him or her to believe that the prescription was written or is being submitted for an illegitimate purpose.
2. **Documentation of Resolution of Court-Required Flags:** The Policy shall provide that resolution of any Court-Required Flags identified by the dispensing pharmacist in connection with a prescription that will be filled must (a) be documented and (b) that such documentation must be maintained for the duration of the Term of this Order. Documentation in the Track 3 Pharmacy's electronic records will satisfy this obligation.

To the extent that a Court-Required Flag is resolved with facts or circumstances that are reflected or documented in the Track 3 Pharmacy records, further documentation of those facts or circumstances is not required. For example, if a patient lives 55 miles from the pharmacy but works near the pharmacy and that fact is known to the dispensing pharmacist and reflected in pharmacy records, no documentation for the resolution of the Court-Required Flag addressing patient distance from the pharmacy is required in connection with individual prescriptions dispensed.

IV. TRAINING

- A. The Policy described above shall be disseminated to each Track 3 Pharmacy.
- B. The corporate offices or headquarters for each Track 3 Pharmacy will disseminate a reminder notice of the Policy to their Track 3 Pharmacies on an annual basis.
- C. Pharmacists on staff at a Track 3 Pharmacy shall undergo training on the Policy.

V. CERTIFICATIONS

- A. In connection with the training required by this Order, each Track 3 Pharmacy shall require pharmacists on staff to certify on an annual basis that they understand the Policy and are complying with such policy to the best of their ability.
- B. The corporate offices or headquarters for each Track 3 Pharmacy shall certify to this Court that the Policy has been issued and the training required by this Order has been conducted.

VI. NALOXONE

- A. Naloxone is a medication approved by the Food and Drug Administration designed to rapidly reverse opioid overdose. It is also known under the brand name Narcan®.
- B. The Track 3 Pharmacies shall maintain a non-patient specific standing order allowing for the dispensing of naloxone or other overdose reversal medications to the extent permitted under Ohio law.

VII. DESIGNATED CONTROLLED SUBSTANCES DISPOSAL

- A. The Track 3 Pharmacies shall make available or display information about the need to dispose and the proper disposal of unneeded Designated Controlled Substances and the availability of disposal boxes, disposal pouches or other means of safe disposal to Patients receiving Designated Controlled Substance prescriptions from the Track 3 Pharmacies. The information may be expressed specifically in terms of Designated Controlled Substances or more generally in terms of prescription medications, controlled substances or opioids.

VIII. IMPLEMENTATION AND TERM

- A. The Court understands that certain of the relief contained in this Order may require time for the Track 3 Pharmacies to implement. Accordingly, if a stay is not issued pending appeal, the Effective Date of this Order shall be 90 days after the date of this Order. Alternatively, if a stay is issued, the Effective Date of this Order shall be 90 days from the issuance of the final mandate.
 - 1. The Policy shall be issued by the Effective Date (“Policy Issuance Deadline”).
 - 2. No later than 60 days after the Policy Issuance Deadline: (a) the training required by this Order shall be completed and (b) the Policy shall become effective.
- B. This Order and the obligations identified in it shall be in effect for a period of three (3) years after the Effective Date (“Term”).

IX. CHANGES AND MODIFICATIONS

- A. Nothing in this Order shall be construed to (a) prohibit a Track 3 Pharmacy from implementing improvements or enhancements or from otherwise evolving its systems and practices, or (b) prohibit a Track 3 Pharmacy from implementing other policies or practices beyond those addressed in this Order.
- B. In the event that a Track 3 Pharmacy determines that there is a conflict with this Order and the requirements of federal, state or local laws such that the Track 3 Pharmacy determines that it cannot comply with the terms of this Order without violating these requirements, the Track 3 Pharmacy shall notify the Court that it intends to comply with the law to the extent necessary to eliminate the conflict.
- C. In the event that a Track 3 Pharmacy determines that circumstances have changed such that certain requirements of the Order should be adjusted, the Track 3 Pharmacy may so advise the Court and petition the Court for relief.

EXHIBIT 1 – TRACK 3 PHARMACIES

Defendant	County	Store Number	Store Address
CVS	Lake	3326	9040 Mentor Ave. Mentor, OH 44060
		3356	265 East Erie St. Painesville, O 44077
		4327	1506 Mentor Ave. Painesville, OH 44077
		4348	28700 Chardon Rd. Willoughby Hills, OH 44092
		4351	6005 Som Center Rd. Willoughby, OH 44092
		5941	1890 N. Ridge Rd. Painesville, OH 44077
		7686	7301 Lakeshore Blvd. Mentor, OH 44060
		16484	36195 Euclid Ave. Willoughby, OH 44094
		17388	9669 Mentor Ave. Mentor, OH 44060
	Trumbull	2486	1331 Youngstown Warren Rd. Niles, OH 44446
		3044	134 Youngstown Hubbard Rd. Hubbard, OH 44425
		3304	3933 Parkman Road NW Warren, OH 44481
		4606	620 E. Market St. Warren, OH 44481
		16644	5555 Youngstown Warren Rd. Niles, OH 44446
Walgreens	Lake	13058	35279 Vine St. Willowick, OH 44095
		4294	5881 Som Center Rd. Willoughby, OH 44094
		4317	9400 Mentor Ave. Mentor, OH 44060
		5820	6101 Andrews Rd. Mentor on the Lake, OH 44060
		5821	132 Richmond St. Painesville, OH 44077
		10518	6707 N. Ridge Rd. Madison OH 44057
	Trumbull	5549	804 W. Market St. Warren, OH 44481

		6888	5027 Youngstown Warren Rd. Niles, OH 44446
		9077	3390 Elm Rd. NE Warren, OH 44483
		9669	15 S. Main St. Hubbard, OH 44425
		10569	2249 Youngstown Warren Rd. Niles, OH 44446
		11730	600 S. Mecca St. Cortland, OH 44410
Walmart	Lake	Store 1863	33752 Vine Street Eastlake, OH 44095
		Store 3608	6067 N. Ridge Rd. Madison, OH 44057
		Store 1857	9303 Mentor Ave. Mentor, OH 44060
	Trumbull	Store 2197	2016 Millennium Blvd. Cortland, OH 44410
		Store 3860	200 Goldie Rd. Youngstown, OH 44504